



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 8030-01
15 May 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 May 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 6 December 1990 at the age of 18. Your record reflects that on 17 July 1991 you received nonjudicial punishment (NJP) for an 11 day period of unauthorized absence (UA) and missing the movement of your ship. The punishment imposed was a \$100 forfeiture of pay and restriction and extra duty for 30 days. On 23 August 1991 you began a 51 day period of UA which was not terminated until 13 October 1991. During this period of UA you missed the movement of your ship and were declared a deserter. On 15 October 1991 you received NJP for desertion and missing the movement of your ship. The punishment imposed was a \$400 forfeiture of pay and restriction and extra duty for 30 days.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 22 October 1991 your commanding officer recommended an other than honorable discharge by reason of misconduct. The commanding officer's recommendation noted, in part, as follows:

(Member) has proven repeatedly that he will not conform to Navy life. We have wasted too much time and energy on a person who does not want to be here. I feel it necessary that he be discharged from the Navy and that his discharge be characterized as other than honorable.

On 25 October 1991 the discharge authority directed an other than honorable discharge, and on 30 October 1991 you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity and your contention that you were told that you would receive a general discharge and that, if you wanted, you could reenlist in the Navy. However, the Board found these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change in your reenlistment code given your repetitive misconduct. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director